

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3126
)	
v.)	
)	
DAVID MUNOZ,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

The court has been advised that the government has no objection to defendant's motion to continue trial.

The court has also been advised that defendant wishes to withdraw that portion of his motion that requests modification of conditions of pretrial release.

Based upon those representations,

IT IS ORDERED:

Defendant's motion, filing no. 15, is granted in part, and

1. Trial is continued to February 9, 2009 at 9:00 a.m. for a duration of two trial days before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between November 19, 2008 and February 9, 2009 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant

additional time might result in a miscarriage of justice. [18](#)
[U.S.C. § 3161\(h\) \(8\) \(A\) & \(B\)](#).

3. Defendant's request to modify conditions of pretrial release is withdrawn.

DATED this 19th day of November, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge